

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

REGINALD L. MCCOY,

Petitioner,

v.

B.M. TRATE,

Respondent.

Case No. 1:22-cv-00031-HBK (HC)

ORDER GRANTING STAY¹

(Doc. No. 31)

Petitioner Reginald L. McCoy (“Petitioner”), a federal prisoner, is proceeding *pro se*, on his petition for writ of habeas corpus filed under 28 U.S.C. § 2241. (Doc. No. 1, “Petition”). On March 8, 2022, Respondent filed a Motion to Dismiss the Petition for lack of jurisdiction. (Doc. No. 12). On June 8, 2022, the Court ordered Respondent to submit supplemental briefing to address Petitioner’s argument that pursuant to *Mathis v. United States*, 579 U.S. 500 (2016) and *Descamps v. United States*, 570 U.S. 254 (2013), he is actually innocent of his sentence of mandatory life imprisonment because his predicate Florida felony drug convictions are not qualifying predicates under 21 U.S.C. § 841(b)(1)(A). In the supplemental briefing, Respondent argues that Petitioner had an “unobstructed procedural shot” to present this claim; thus, Petitioner

¹ Both parties have consented to the jurisdiction of a magistrate judge, in accordance with 28 U.S.C. § 636(c)(1). (Doc. No. 20).

1 “fails to satisfy the test to establish EDCA court-of-custody jurisdiction to proceed under § 2241
2 pursuant to the § 2255 escape hatch.” (Doc. No. 31 at 3). Additionally, Respondent points out
3 that Petitioner currently has pending a § 3582 motion for compassionate release in his court of
4 conviction, the Middle District of Florida (“MDFL”), that raises this identical claim. (*Id.* at 4
5 noting the “MDFL court of conviction has compelled full briefing on the matter and will shortly
6 resolve the matter in accordance with Eleventh Circuit appellate jurisdiction.”)); *United States v.*
7 *Williams et. al.*, 8:90-cr-00132-CEH-MRM, Crim Doc. Nos. 1208, 1210). Because the issue of
8 whether Petitioner’s Florida drug convictions qualify as predicate offenses under 21 U.S.C. §
9 841(b) is presently before both this Court and the court of conviction, Respondent alternatively
10 requests that the Court stay this matter pending a decision on the issue in the MDFL. (Doc. No.
11 31 at 4). Respondent submits a stay will conserve judicial and government resources, prevent
12 conflicting rules on overlapping claims and issues, and ensure against resulting collateral case
13 confusion. (*Id.*).

14 Respondent’s arguments are persuasive, and Petitioner did not oppose the motion to stay
15 in his reply to Respondent’s supplemental briefing. (*See* Doc. No. 32). The Court finds that the
16 objective of judicial efficiency is served by staying the instant proceeding pending resolution of
17 Petitioner’s 18 U.S.C. § 3582 motion for compassionate release in his court of conviction.

18 Accordingly, it is **ORDERED**:

19 1. Respondent’s motion for a stay (Doc. No. 31) is **GRANTED** this matter is **STAYED**
20 pending resolution of Petitioner’s § 3582 motion in the Middle District of Florida.
21 2. Respondent is **DIRECTED** to submit a status report within sixty (60) days, and every
22 sixty (60) days thereafter, until resolution of the § 3582 motion in the Middle District
23 of Florida.

24
25 Dated: August 9, 2022


26 HELENA M. BARCH-KUCHTA
27 UNITED STATES MAGISTRATE JUDGE
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